

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:  
Vivek Kapil, Alwarkurichi Nagaraj,  
and John R. Stevens

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Group Art Unit: N/A

Serial No.: N/A

Examiner: N/A

Filed: December 3, 1999

Title: MESSAGING BETWEEN  
TERMINALS IN DIFFERENT  
COMMUNITIES

Docket No: NORT-0010-US  
(10410RRUS01U)

Assistant Commissioner of Patents and Trademarks  
Washington, DC 20231

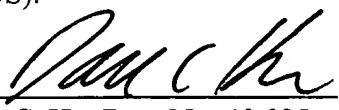
PETITION UNDER 37 CFR § 1.47(a)

This is a petition under 37 CFR § 1.47(a) for the above-referenced application to be made  
by inventors Vivek Kapil and John R. Stevens on behalf of themselves and the non-signing  
inventor, Alwarkurichi Nagaraj. The following documents are enclosed in support of this Petition:

- (1) Combined Declaration and Power of Attorney;
- (2) Added Page to Combined Declaration and Power of Attorney for Signature by Joint  
Inventor(s) on Behalf of Nonsigning Inventor(s) who Refuses to Sign or Cannot be Reached (37  
CFR 1.47(a))
- (3) Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor; and
- (4) Petition Fee Under 37 CFR § 1.17(i).

The Patent Office is authorized to charge any additional costs or fees associated with this  
petition to Deposit Account No. 20-1504 (NORT-0010-US).

Date: Dec. 3, 1999

  
Dan C. Hu, Reg. No. 40,025  
Trop, Pruner, Hu & Miles, P.C.  
8554 Katy Freeway, Suite 100  
Houston, TX 77024  
(713) 468-8880 [Ph]  
(713) 468-8883 [Fax]

12/17/1999 DBUTLER 00000030 09454689

04 FC:122

130.00 OP

Express Mail Label NO. EL515088515US  
Date: December 3, 1999

jc525 U.S. PTO  
09/454689  
12/03/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	
Vivek Kapil, Alwarkurichi Nagaraj,	§	
and John R. Stevens	§	Group Art Unit: N/A
	§	
Serial No.: N/A	§	Examiner: N/A
	§	
Filed: December 3, 1999	§	
	§	
Title: MESSAGING BETWEEN	§	Docket No: NORT-0010-US
TERMINALS IN DIFFERENT	§	(10410RRUS01U)
COMMUNITIES	§	

Assistant Commissioner of Patents and Trademarks  
Washington, DC 20231

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING  
INVENTOR (37 C.F.R. § 1.47)**

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

I, Dan C. Hu, residing at 4615 Spruce Street, Bellaire, Texas 77401, am a patent attorney representing the Assignee of the present application, Nortel Networks Corporation.

Starting in September 1999 and continuing through November 10, 1999, I made frequent calls to the last known work telephone number of Alwarkurichi Nagaraj. When I initially prepared the application, I was told by Vivek Kapil, a co-inventor, that Mr. Nagaraj was no longer employed by Nortel Networks Corporation. I was provided Mr. Nagaraj's last known work telephone number by Mr. Kapil.

Each time I called the telephone number provided to me, I was greeted by a voice mail message left by a person identifying himself as "Al Nagaraj." Each time I would leave a message on the voice mail system requesting that the person call me at my office number. During September and October of 1999, I called Mr. Nagaraj's last known work number many times and left messages with him. In addition, I was able to obtain Mr. Nagaraj's last known home telephone

number, which I called at least several times during October and November 1999. No one answered the calls to the home phone number despite many rings.

On November 9, 1999, I called Mr. Nagaraj's last known employer, Marconi Communications, in the Dallas, Texas area, to determine if Mr. Nagaraj was still employed by Marconi Communications. I spoke with a person identified as being Mr. Nagaraj's supervisor, Leigh Ann Roberts, who informed me that Mr. Nagaraj was no longer employed with Marconi. I asked Ms. Roberts whether Mr. Nagaraj left a forwarding address or telephone number. I was told that she has no such information.


On October 21, 1999, I sent by certified mail (No. P223513435), with return receipt requested, a draft of the patent application to Mr. Nagaraj at his last known address: 3026 Beltline Road, Apt. 1914, Garland, Texas 75044. A copy of the cover letter for that correspondence along with a copy of the receipt for certified mail are attached to this statement as Exhibit A.

On November 12, 1999, the return receipt was returned to me, but it was signed by a person other than Mr. Nagaraj (see Exhibit B).

On the same date, I sent by U.S. Express Mail (No. EL44563207US) a copy of the final draft of the application with a declaration and assignment, with return receipt requested and restricted delivery. The transmittal letter and return receipt are attached as Exhibit C. The return receipt was returned more than three weeks later, signed by someone other than Mr. Nagaraj (see Exhibit D). Tracking information indicates that the letter was forwarded to 1714 Valley View Lane, #3053, Irving, TX 75061. However, there is no indication that Mr. Nagaraj is residing at that address.

During the more than three-month period from September to the filing of this application numerous efforts have been made by me to try to reach Mr. Nagaraj. However, such efforts have not been successful.

Date: Dec. 3, 1999

  
Dan C. Hu, Reg. No. 40,025  
Trop, Pruner, Hu & Miles, P.C.  
8554 Katy Freeway, Suite 100  
Houston, TX 77024  
(713) 468-8880 [Ph]  
(713) 468-8883 [Fax]

JC525 U.S. PTO

09/454689



P 223 513 435

US Postal Service

# **Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

JC525 U.S. PTO  
09/454689



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Alwar Kurichi Nagaraj  
3006 Bethune Rd, Apt. A14  
Garland, TX 75044

4a. Article Number

USPS 283513435

4b. Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

102595-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

66/30/21  
68954/60  
OLD S.N 52521

# POST OFFICE TO ADDRESSEE



ORIGIN (POSTAL USE ONLY)

PO ZIP Code 77055	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 11.12.99	Time In 4:20 PM	Postage \$ 15.25
Weight 4.20 lbs.	Int'l Alpha Country Code	Return Receipt Fee \$ 1.25
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials DK	COD Fee \$
METHOD OF PAYMENT X770121		Insurance Fee \$ 1.70

**CUSTOMER USE ONLY**

WARRANTY OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if warranty of signature is requested. If delivery is to be made without obtaining signature of addressee or addressee's agent, (i.e., delivery employee judges that article can be left in secure location) and if delivery employee's signature constitutes valid proof of delivery, then article can be left in secure location and if delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature \_\_\_\_\_

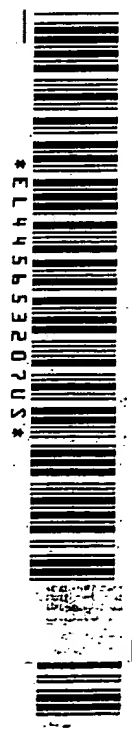
**FROM: (PLEASE PRINT)** PHONE ( )

TROP PRUNER HU & MILES  
6554 KATY Fwy STE-100  
HOUSTON TX 77024-1805

**TO: (PLEASE PRINT)** PHONE ( )

Mr. Alvic Lurich Nagara  
3006 Beltline Rd, Apt. 1514  
Galand, TX 75014

**PRESS HARD.** FOR PICKUP OR TRACKING CALL 1-800-222-1811 [www.usps.gov](http://www.usps.gov)



EL44565320705\*

EL44565320705

SEE REVERSE SIDE FOR SERVICE GUARANTEE AND LIMITS ON INSURANCE COVERAGE

HOUSTON TX 11/12/99

**Customer Copy**  
Label 11-F July 1997

**Mailing Label**  
Label 11-F July 1997

186/201  
F02

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Mr. Alwarkurichi Nagaraj  
3026 Beltline Rd., Hpt. 1914  
Garland, TX 75044

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

SUDHAKAR J. MALAN

B. Date of Delivery

11-30-99

C. Signature

X

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☐ Certified Mail☒ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☒ Yes

## 2. Article Number (Copy from service label)

EL445653207 US

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789